



**Submitted Date:** 9/24/2010 2:46:08 PM

**Easygrants ID:** 443

<b>Funding Opportunity:</b> Category One	<b>Applicant Organization:</b> Mariposa Public Utility District
<b>Task:</b> Submit Application Non-EO	<b>Applicant Name:</b> Mr. Mark L Rowney



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PROJECT CONTACT INFORMATION	
<b>Name</b>	Mr. Mark L Rowney,
<b>Title</b>	
<b>Organization</b>	Mariposa Public Utility District
<b>Primary Address</b>	PO Box 494, , , Mariposa, CA, 95338
<b>Primary Phone/Fax</b>	209-966-2515 Ext.
<b>Primary Email</b>	mpud@sti.net

<b>Name</b>	Mr. Mark L Rowney,
<b>Title</b>	
<b>Organization</b>	Mariposa Public Utility District
<b>Primary Address</b>	PO Box 494, , , Mariposa, CA, 95338
<b>Primary Phone/Fax</b>	209-966-2515 Ext.
<b>Primary Email</b>	mpud@sti.net



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#### PROJECT INFORMATION

<b>Project Title</b>	Stockton Creek Preserve and Trail
<b>Brief Description</b>	The Mariposa Public Unity District (MPUD) is seeking funding from Sierra Nevada Conservancy through the Proposition 84 Grant Program for the fee title acquisition of a critical portion of the Stockton Creek Watershed.
<b>Total Requested Amount</b>	1,000,000.00
<b>Other Fund Proposed</b>	88,888.00
<b>Total Project Cost</b>	1,088,888.00
<b>Project Category</b>	Acquisition Projects
<b>Project Area/Size</b>	450
<b>Project Area Type</b>	Acres
<b>Have you submitted to SNC this fiscal year?</b>	No
<b>Is this application related to other SNC funding?</b>	No

#### Project Results

Fee title

<b>Project Purpose</b>	<b>Project Purpose Percent</b>
Historical/Cultural	
Natural Disaster Risk Reduction (Fire)	
Recreation Use/Impact/Access	



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Resource Management	
Water Quality	

<b>County</b>
Mariposa

<b>Sub Region</b>
South Central



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#### PROJECT OTHER CONTACTS INFORMATION

##### Other Grant Project Contacts

Name:	Mr. Mark L Rowney,
Project Role:	Authorized Representative
Phone:	2099662515
Phone Ext:	
E-mail:	mpud@sti.net

Name:	Mr. Mark L Rowney,
Project Role:	Day-to-Day Responsibility
Phone:	2099662515
Phone Ext:	
E-mail:	mpud@sti.net

Name:	Mr. Rick Benson,
Project Role:	County Administration
Phone:	0000000000
Phone Ext:	
E-mail:	rinman@mariposacounty.org

Name:	CDPH System #2210001 Mariposa Public Utility District,
Project Role:	Water Agency 1 Contact
Phone:	2099662515
Phone Ext:	
E-mail:	mpud@sti.net



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## PROJECT LOCATION INFORMATION

### Project Location

Address:	Slaughter House Road &, Highway 140, , Mariposa, CA, 95338 United States
Water Agency:	Mariposa Public Utility District CDPH System #2210001
Latitude:	30.126
Longitude:	-57.666
Congressional District:	N/A
Senate:	N/A
Assembly:	N/A
Within City Limits:	No
City Name:	



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### PROJECT BUDGET INFORMATION

#### Direct

Description	Num of Units	Per Unit Cost	Total
Property Purchase in Fee	1	1,000,000.00	1,000,000.00

<b>Total Direct</b>	1,000,000.00
<b>Direct Detail</b>	

<b>Budget Grant Total:</b> 1,000,000.00
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### PROJECT OTHER SUPPORT INFORMATION

#### Other Support for the Sierra Nevada

Type :	Volunteer Hours
Estimated Amount:	11,000.00
Estimated Volunteer Hours:	200
Source:	SFC Staff Conservation Planning
Source Type:	Other
Status:	Received
Description:	200hrs @ \$55/hr
Type :	Volunteer Hours
Estimated Amount:	2,000.00
Estimated Volunteer Hours:	40
Source:	SFC Biological Consultant
Source Type:	Other
Status:	Received
Description:	40 hrs @ \$50/hr
Type :	Volunteer Hours
Estimated Amount:	6,050.00
Estimated Volunteer Hours:	110
Source:	SFC Outreach, Project Implementation
Source Type:	Other
Status:	Received
Description:	110 hrs @ \$55/hr
Type :	Volunteer Hours
Estimated Amount:	15,820.00
Estimated Volunteer Hours:	200
Source:	MPUD Admin Staff
Source Type:	Other
Status:	Received





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Description:	200hrs @ \$79.10/hr
Type :	Volunteer Hours
Estimated Amount:	2,318.00
Estimated Volunteer Hours:	50
Source:	MPUD Office Staff
Source Type:	Other
Status:	Received
Description:	50hrs @\$46.36
Type :	Volunteer Hours
Estimated Amount:	5,300.00
Estimated Volunteer Hours:	100
Source:	MPUD Field Staff
Source Type:	Other
Status:	Pledged
Description:	100hrs @\$53 pending SNC Grant approval
Type :	Major In-Kind Contri
Estimated Amount:	2,000.00
Estimated Volunteer Hours:	40
Source:	MPUD equipment cost
Source Type:	Other
Status:	Pledged
Description:	40hrs @ \$50/hr pending SNC Grant approval
Type :	Volunteer Hours
Estimated Amount:	21,000.00
Estimated Volunteer Hours:	30
Source:	Cal Fire/CDC Crew Trails & Fuel Mod
Source Type:	Other State
Status:	Pledged
Description:	30 days @ \$700/day pending SNC Grant



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Type :	Major In-Kind Contr
Estimated Amount:	6,000.00
Estimated Volunteer Hours:	1
Source:	Property Survey
Source Type:	Other
Status:	Pledged
Description:	Pending SNC Grant approval
Type :	Major In-Kind Contr
Estimated Amount:	4,000.00
Estimated Volunteer Hours:	1
Source:	Property Acquisition Closing Costs
Source Type:	Other
Status:	Pledged
Description:	Pending SNC Grant approval
Type :	Major In-Kind Contr
Estimated Amount:	400.00
Estimated Volunteer Hours:	2
Source:	Trail Register Station
Source Type:	Other
Status:	Pledged
Description:	Pending SNC Grant approval
Type :	Major In-Kind Contr
Estimated Amount:	2,000.00
Estimated Volunteer Hours:	2
Source:	Field Signs & Project Description
Source Type:	Other
Status:	Pledged
Description:	Pending SNC Grant approval

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Type :	Major In-Kind Contr
Estimated Amount:	1,000.00
Estimated Volunteer Hours:	10000
Source:	Brochures & Trail Maps
Source Type:	Other
Status:	Pledged
Description:	Pending SNC Grant approval
Type :	Major In-Kind Contr
Estimated Amount:	5,000.00
Estimated Volunteer Hours:	1
Source:	Appraisal Cost
Source Type:	Other
Status:	Received
Description:	In Progres
Type :	Project Funds Other
Estimated Amount:	2,000.00
Estimated Volunteer Hours:	1
Source:	Property Lot Line Adjustment Fee
Source Type:	Other State
Status:	Pledged
Description:	Pending SNC Grant approval
Type :	Volunteer Hours
Estimated Amount:	3,000.00
Estimated Volunteer Hours:	1
Source:	Legal Review
Source Type:	Other
Status:	Received
Description:	In progress

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<b>Estimated Total Amount of Resources Leveraged</b>	88,888.00
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## PROJECT REGULATORY REQUIREMENTS

### Regulatory Requirements

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## PROJECT TIMELINE INFORMATION

### Project Timeline

Milestone/Activity: Property Survey  
Description: 60 days  
Expected Date: 05/31/2011  
Deliverable: True

Milestone/Activity: Property & Easement Descriptions  
Description: 30 days  
Expected Date: 04/30/2011  
Deliverable: True

Milestone/Activity: Lot Line Adjustments  
Description: 90 days  
Expected Date: 06/30/2011  
Deliverable: True

Milestone/Activity: Final agreemnts with property owner  
Description: 30 days  
Expected Date: 04/30/2011  
Deliverable: True

Milestone/Activity: Trail Development /Construction  
Description: 90 days  
Expected Date: 06/30/2011  
Deliverable: True

Milestone/Activity: Road access improvemnts  
Description: 30 days  
Expected Date: 04/30/2011  
Deliverable: True



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Milestone/Activity:	Erosion control measures
Description:	30 days
Expected Date:	04/30/2011
Deliverable:	True
Milestone/Activity:	Vegetation survey & Forester recommendations
Description:	20days
Expected Date:	04/20/2011
Deliverable:	True
Milestone/Activity:	Fire hazard/fuel modification
Description:	30 days
Expected Date:	04/30/2011
Deliverable:	True
Milestone/Activity:	Administrative MPUD Board action project policies
Description:	30 days
Expected Date:	04/30/2011
Deliverable:	True
Milestone/Activity:	Boundary signs
Description:	public access prep-30 days
Expected Date:	04/30/2011
Deliverable:	True
Milestone/Activity:	Trailhead stations installed
Description:	Public access pre-30 days
Expected Date:	04/30/2011
Deliverable:	True
Milestone/Activity:	Public Notification
Description:	Public access prep 60 days
Expected Date:	06/30/2011

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<b>Deliverable:</b>	False
<b>Milestone/Activity:</b>	Agency & public project introduction
<b>Description:</b>	Public Access prep 30 days
<b>Expected Date:</b>	04/30/2011
<b>Deliverable:</b>	True





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## PROJECT PEER REVIEWER INFORMATION

### Reviewers

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### UPLOADS

The following pages contain the following uploads provided by the applicant:

Upload Name
Completed Checklist
Application Form
Table of Contents
Authorization to Apply or Resolution
Project Summary
Evaluation Criteria Narrative
Detailed Budget Form
Performance Measures
Environmental Setting and Impacts
Project Location Map

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Parcel Map Showing County Assessors Parcel Number
Topographic Map
Photos of the Project Site
Willing Seller Letter
CEQA Documentation
Letters of Support
Letters of Support
Letters of Support
Letters of Support
Letters of Support

To preserve the integrity of the uploaded document, headers, footers and page numbers have not been added by the system.



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## Application Checklist for Category One Grants

Project Name: STOCKTON CREEK PRESERVE AND TRAIL

Applicant: MARIPOSA PUBLIC UTILITY DISTRICT

Please mark each box: check if item is included in the application; mark "N/A" if not applicable to the project. Please consult with SNC staff prior to submission if you have any questions about the applicability to your project of any items on the checklist. All applications must include a CD including an electronic file of each checklist item, if applicable. The naming convention for each electronic file is listed after each item on the checklist. (Electronic File Name = EFN: "naming convention". file extension choices)

1. ☒ Completed Checklist (EFN: *Checklist.doc,.docx,.rtf, or .pdf*)
2. ☒ Table of Contents (EFN: *TOC.doc,.docx,.rtf, or .pdf*)
3. ☒ Application Form (EFN: *AppForm.doc, .docx, .rtf, or .pdf*)
4. ☒ Authorization to Apply or Resolution (EFN: *AuthRes. doc, .docx, .rtf, or .pdf*)
- 5a. ☐ Articles of Incorporation [501(c)(3)s only] (EFN: *ArtInc.doc, .docx, .rtf, or .pdf*) (NA)
- 5b. ☐ Bylaws [501(c)(3)s only] (EFN: *Bylaws.doc, .docx, .rtf, or .pdf*) (NA GOVERNMENT)
- 5c. ☐ Tax Exempt Status Letter from the Internal Revenue Service [501(c)(3)s only] (EFN: *IRS.doc,.docx,.rtf,.pdf*) (NA GOVERNMENT)
6. ☒ Project Summary (Two page maximum) (ENF: *ProjSum.doc, .docx, .rtf, or .pdf*)
7. ☒ Evaluation Criteria Narrative (ENF: *EvalCrit.doc, .docx, .rtf, .pdf*)
8. ☒ Detailed Budget Form (ENF: *Budget.xls, .xlsx*)
9. ☒ Long Term Management Plan (no EFN - included in the Evaluation Criteria Narrative)
10. ☒ Performance Measures (ENF: *Perform.doc, .docx, .rtf, or .pdf*)
11. ☒ Environmental Setting and Impacts (ENF: *EnvSetImp.docx, .docx, .rtf, .pdf*)
12. ☒ Project Location Map (ENF: *LocMap.pdf*)
13. ☒ Parcel Map showing County Assessor's Parcel Number(s) (ENF: *ParcelMap.pdf*)
14. ☒ Topographic Map (ENF: *Topo.pdf*)
15. ☐ Site Plan (Site improvement/restoration projects) (ENF: *SitePlan.pdf*) (NA)
16. ☒ Photos of the Project Site (10 maximum) (ENF: *Photo.jpg, .gif*)
17. ☒ Acquisition Schedule (Acquisition projects) (ENF: *AcqSched.doc,.docx,.rtf,.pdf*)
18. ☒ Willing Seller Letter (Acquisition projects) (ENF: *WillSell.pdf*)
19. ☐ Land Tenure (For site improvement/restoration projects) (ENF: *Tenure.pdf*) (NA)
20. ☐ Leases or Agreements (ENF: *LeaseAgrmnt.pdf*) (NA)
21. ☒ California Environmental Quality Act (CEQA) documentation (ENF: *CEQA.pdf*)
22. ☐ National Environmental Policy Act (NEPA) documentation (ENF: *NEPA.pdf*)
23. ☐ Regulatory Requirements / Permits (ENF: *RegPermit.pdf*) (NA)
24. ☒ Demonstrations of Support (ENF: *DOS.pdf*)
25. ☐ Real Estate Appraisal (Acquisition projects) (ENF: *Appraisal.pdf*) (PENDING)

**SIERRA NEVADA CONSERVANCY  
PROPOSITION 84 GRANT APPLICATION FORM  
CATEGORY ONE GRANTS**

Rev. January 2010

*Complete all applicable items on both pages of form.*

**1. PROJECT NAME**

**STOCKTON CREEK PRESERVE AND TRAIL**

**2. REFERENCE NUMBER**

**3. APPLICANT** *(Agency name, address, and zip code)*

MARIPOSA PUBLIC UTILITY DISTRICT  
PO BOX 494  
MARIPOSA CA. 95338

**4. APPLICANT TYPE:**

☐ Nonprofit Organization    ☒ Government  
☐ Tribal Organization

**5. APPLICANT'S AUTHORIZED REPRESENTATIVE**

*Name and title – type or print*

*Phone*

*Email Address*

☒ Mr. MARK L ROWNEY

(209) 966-2515

mpud@sti.net

☐ Ms.

**6. PERSON WITH DAY-TO-DAY RESPONSIBILITY FOR ADMINISTRATION OF THE GRANT**

*(If different from Authorized Representative)*

*Name and title – type or print*

*Phone*

*Email Address*

☐ Mr.

☐ Ms.

**7. PERSON WITH FISCAL MANAGEMENT RESPONSIBILITY FOR GRANT CONTRACT/INVOICING**

*(If different from Authorized Representative or Day to Day Administrator)*

*Name and title – type or print*

*Phone*

*Email Address*

☐ Mr.

☐ Ms.

**8. FUNDING INFORMATION**

SNC Grant Request

\$ 1,000,000

*(Must be \$5,000 - \$1,000,000)*

Other Funds

\$ 88,888

Total Project Cost

\$ 1,088,888

**9. PROJECT CATEGORIES**

☐ **Site Improvement (fill in all that apply)**

Project Area: \_\_\_\_\_

Total Acres: \_\_\_\_\_

SNC Portion (if different): \_\_\_\_\_

Total Miles (i.e. river or stream bank): \_\_\_\_\_

SNC Portion (if different): \_\_\_\_\_

**9a. DELIVERABLES**

**(Select one primary deliverable)**

☐ Restoration

☐ Enhancement

☐ Resource Protection

☐ Infrastructure Development / Improvement

☒ **Acquisition (fill in all that apply)**

Project Area: STOCKTON CREEK  
WATERSHED, MARIPOSA COUNTY

Total Acres: 450

SNC Portion (if different): \_\_\_\_\_

Total Miles (i.e. river or stream bank): \_\_\_\_\_

SNC Portion (if different): \_\_\_\_\_

**(Select one primary deliverable)**

☒ Fee Title

☐ Easement or Other Landowner Agreement

<b>10. PROJECT ADDRESS/LOCATION</b> <i>(Include zip code)</i> SLAUGHTER HOUSE ROAD & HIGHWAY 140	
<b>11. LATITUDE AND LONGITUDE</b> <b>119 DEG 57.666'</b> <b>37 DEG 30.126'</b>	
<b>12. COUNTY</b> MARIPOSA	<b>13. CITY</b> <i>(Is project within city limits? If so, which one?)</i> none
<b>14. NEAREST PUBLIC WATER AGENCY (OR AGENCIES) CONTACT INFORMATION:</b>  Name: MARIPOSA PUBLIC UTILITY DISTRICT CDPH SYSTEM #2210001 Phone Number: (209) 966-2515 Email address: mpud@sti.net	
Name: _____ Phone Number: _____ Email address: _____	
<b>15. CEQA OR NEPA DOCUMENT TYPE</b> (if applicable)	
<input checked="" type="checkbox"/> Notice of Exemption <input type="checkbox"/> Finding of No Significant Impact <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Environmental Impact Statement <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Joint CEQA/NEPA Document	
<b>16. STATE CLEARINGHOUSE NUMBER</b>	
<b>17. APPRAISAL</b>	
<input type="checkbox"/> Submittal with application <input checked="" type="checkbox"/> Submittal by <u>October 15, 2010</u>	

I certify that the information contained in the Application, including required attachments, is accurate.

MARK L ROWNEY  
Signed (*Authorized Representative*)

SEPTEMBER 13, 2010  
Date

MARK L ROWNEY GENERAL. MANAGER

\_\_\_\_\_  
Name and Title (*print or type*)

TABLE OF CONTENTS  
MPUD STOCKTON CREEK PRESERVE AND TRAIL

<u>Description</u>	<u>Page Number</u>
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Assessors Parcel Diagram	23
Topographic Map	24
Photos of Project Site	25
Willing Seller Letter	29
California Environmental Quality Act (CEQA)	40
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Real Estate Appraisal (Pending)	



**MARIPOSA PUBLIC UTILITY DISTRICT  
COUNTY OF MARIPOSA, STATE OF CALIFORNIA  
RESOLUTION #2010-1696  
RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE  
Proposition 84 GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER  
QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND  
ACT OF 2006**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Sierra Nevada Conservancy (SNC) has been delegated the responsibility for the administration of a portion of these funds through a local assistance grants program, establishing necessary procedures; and

WHEREAS, said procedures established by the Sierra Nevada Conservancy require a Resolution certifying the approval of application(s) by the Applicant's governing Board before submission of said application(s) to the SNC; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the SNC to carry out the project; and

WHEREAS, the Board of Directors has reviewed the project description and California Environmental Quality Act (CEQA) categorical exemption guidelines provided by staff; and

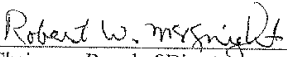
WHEREAS, the District has identified the Stockton Creek Conservancy project as valuable toward meeting its mission and goals.

THEREFORE, BE IT RESOLVED by the Mariposa Public Utility District Board of Directors that this Board:

1. Approves the submittal of an application for the Stockton Creek Conservancy project; and
2. Understands the assurances and certification requirements in the application; and
3. Will have sufficient funds to operate and maintain the resources consistent with the long-term benefits described in support of the application; or will secure the resources to do so; and
4. Will comply with all legal requirements as determined during the application process; and
5. Appoints the Mariposa Public Utility District General Manager as agent to conduct all negotiations, execute and submit all documents, including but not limited to: applications, agreements, payment requests, and so on, which may be necessary for the completion of the aforementioned project(s).
6. Finds this project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15325(a) CEQA Guidelines and directs staff to file a Notice of Exemption with the Mariposa County Clerk.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Mariposa Public Utility District at a regular meeting thereof held on the 7<sup>th</sup> day of September 2010 by the following vote:


AYES: Directors Finney, McKnight, Muller and Radanovich  
NOES: None  
ABSENT: Director Bondsbu  
ABSTAIN: None

  
Chairman, Board of Directors

CERTIFICATE OF RESOLUTION:  
ATTEST:

I, Mark L. Rowney, Clerk of the Board of Directors of the Mariposa Public Utility District, County of Mariposa, California do hereby certify that this is a true and correct copy of the original Resolution #2010-1696.

WITNESS MY HAND OR THE SEAL OF THE Mariposa Public Utility District on this 7<sup>th</sup> day of September 2010.

  
Mark L. Rowney, General Manager  
Mariposa Public Utility District

S E A L

## **6. PROPOSED STOCKTON CREEK PRESERVE AND TRAIL SUMMARY**

The Mariposa Public Unity District (MPUD) is seeking funding from Sierra Nevada Conservancy through the Proposition 84 Grant Program for the fee title acquisition of a critical portion of the Stockton Creek Watershed. Stockton Creek is a seasonal stream located in the Sierra foothills within Mariposa County, approximately one mile northeast of the town of Mariposa. The creek flows from approximately November to June. Elevations of the watershed start at a high point of 3650' to the lowest point of 1770' at the confluence of Mariposa Creek over a distance of about six miles. The Mariposa Creek is a tributary to the San Joaquin river.

Located within the watershed is the Stockton Creek dam and reservoir built in 1950 to supply water to the community of Mariposa. The Stockton Creek reservoir is still the primary source of drinking water for MPUD. The watershed itself is an important natural resource for the community. The land area within the watershed is primarily undeveloped with some residential development on larger parcels (greater than 20 acres). A large percentage of the watershed is made up of larger tracts of land which until recently were under the ownership of a few individuals.

There are two very large tracts of land within the Stockton Creek watershed for which MPUD and conservation partners have previously sought conservation strategies in the 1990's for approximately 2300 acres Land then owned by a single entity. The new owner is very supportive of a conservancy project for this area and is entering into an option agreement to sell the property for this purpose The land owner does wish to sell the property and has recently been contacted by several buyers who are interested in purchasing the property for development. The zoning and proximity of the land to the town of Mariposa make the property ideal for residential and like commercial development.

The land area proposed for this acquisition has an immediate need for some management and mitigation of extensive damage to the native vegetation. In 2000 the property owner proceeded with a vegetation management project which he thought would reduce wildfire hazard and produce an "open, park-like appearance". Basically, the project included poisoning of live oak on approximately 800 acres of land, then the dead trees were to be harvested for firewood and the left over brush was to be stacked and burned. Unfortunately, the first phase (tree poisoning) was all that was done. Now the wildfire and erosion hazards are far greater than before. The attached photos show the extent of damage from this incomplete project.

A wild land fire in 2004 burned from the east side of the Mariposa Town area through the Stockton Creek watershed. This incident was a clear reminder for the importance of watershed management. The runoff period after the fire resulted in more than double the amount of "naturally" occurring contaminants in the town water supply. As an example the total organic carbon (a precursor to disinfection byproducts which are considered a health risk) increased to background levels immediately after the 2004 fire

MPUD established in 1947 has an obvious interest in maintaining the Stockton Creek watershed in its natural state. MPUD owns and operates the Stockton Creek dam and reservoir. In addition to collecting and storing water runoff from the local watershed, the Stockton Creek reservoir is an important component to the Saxon Creek water project which provides for a small diversion of water from the Merced River. It is important that the integrity of the Stockton Creek watershed be maintained for the long term to protect the public water supply

The concept of the conservancy project will include the consideration of the following tasks and management:

Vegetation, Fire Hazard, Erosion Control:

Complete the vegetation management project started by the previous land owner (now deceased). Work with the California Dept. of Forestry and Fire Protection (Cal-fire) to plan and carry out the removal of the dead vegetation. Calif. Dept. of Corrections (CDC) crews under direction of Cal-Fire, can be utilized to actually perform the field work for this task. The local USDA Soil Conservation Service staff will assist in the design and implementation of erosion control measures. Cal-fire is also willing to provide staff qualified in forest management and fire safe planning.

Historic Archaeological Resources

In 1991 MPUD commissioned a Cultural Resource investigation of the then proposed Saxon Creek Project pipe line. Portions of the pipe line are within the Stockton Creek watershed. The investigation located three archaeological and historic resource sites that are within the area of the proposed Stockton Creek Conservancy project area. Although the exact locations of the sites are confidential, MPUD maintains the initial survey information and will be able to better provide for the protection of these historic sites.

Recreation:

Even though the community of Mariposa is located in the Sierra foothills, there are no natural areas designated for public recreational use nearby. Many people currently walk or jog along a water line easement between the Stockton Creek dam and the water treatment facility. This practice is technically a trespass. MPUD proposes to facilitate a volunteer watershed group to prepare and maintain hiking trails in the conservancy area. Again the CDC/Cal-Fire crews can be utilized to construct some of the trails. Special trails for mountain bike use will be considered. It is not intended that any area will be open to motorized recreational vehicles.

At this time, MPUD is the lead agency for the proposed project. The District is consulting with Sierra Foothill Conservancy to investigate the feasibility of a conservancy project in the Stockton Creek watershed. Now is the time to pursue the long term protection of this watershed while the landowners are willing to sell the land for conservation. In the alternative, the land may be developed with roads, structures, on-site septic systems and concentrated farm animal pens. If conservation measures are implemented early the benefits will include:

- X Recreation such as hiking and biking
- X Watershed enhancement and reversal of existing watershed degrading projects
- X Protection of public water supply as well as cost savings in future treatment of public water supplies
- X The watershed is in the prime elevation zone for the valley elderberry long horn beetle a protected species
- X Protection of identified historic archaeological sites.
- X Fire hazard mitigation
- X Preserve open space

## **7. PROJECT QUALITY AND READINESS**

### **A. General Description**

MPUD provides public water, wastewater and fire protection services to the town of Mariposa. The water system includes two surface water sources including the Stockton Creek reservoir as the primary source. The District has been active in land use zoning, vegetation modification, sanitary surveys, water quality studies, development of road construction standards and other watershed management activities within the Stockton Creek watershed. The District's primary goal with respect to the public water supply is to provide safe drinking water to the public. All of the features of the proposed project include positive steps in protecting the water supply as well as providing much needed public access lands near the town of Mariposa.

The Mariposa Public Utility District (MPUD) proposes to acquire approximately 425 acres of land adjacent to the existing MPUD owned Stockton Creek dam and reservoir. The primary purpose of the acquisition is to accomplish as much watershed protection as possible as well as provide for the public to enjoy and learn about the importance of watersheds in general.

The proposal also includes the acquisition of a public access easement overlying an existing water line easement. The easement will start at the MPUD water treatment facility and end in approximately 1.2 miles at the southern boundary of the existing Stockton Creek Reservoir property. From there the trail will continue through .2 miles through the reservoir property then .4 miles through land within the acquisition area. The location of the proposed trail is shown on the topographic map in this application package.

The Sierra Foothill Conservancy (SFC) has already initiated negotiations with the property owner and has secured a preliminary agreement for the transfer of title to MPUD.

MPUD has utilized Cal-Fire/CDC crews as well as MPUD staff and equipment to perform fire hazard reduction and trail maintenance. After the wild land fire in 2004 MPUD planted over 1,000 trees on the Stockton Creek reservoir property. A survey of the area with a professional forester to determine mortality rate of the 2004 planting and propose additional re-vegetation of native trees will take place in the future.

The Mariposa County Planning Department has provided some general maps along with current and potential land use information. The planning department has also provided information on the necessary steps for parcel reconfiguration to meet the goals of the preserve project. MPUD has completed the CEQA documentation for the proposed project. After a review of the project description and goals, the MPUD Board of Directors

made the finding that the project is categorically exempt from CEQA pursuant to section 15325 (a) of CEQA guidelines.

B. Work Plan and Schedule:

The timing for funding is unknown, therefore, we have prepared the following schedule and the amount of time anticipated to complete significant tasks for the project. Some tasks will take place concurrently although individual tasks listed in one time line items may not require as much time as others during the same period. The physical improvements and work will take place as work days are available from the listed assets. The Cal-Fire/CDC work on-site would most likely take place outside of the California declared fire season and will be scheduled along with other Cal-Fire/CDC commitments. MPUD staff work in the field will be scheduled as portions of days after routine public water and wastewater tasks are completed for the day.

<u>Task Description</u>	<u>Time Period</u>
Property & Easement Acquisition:	
Property survey	60 days (T)
Property & easement descriptions	30 days (T)
Lot line adjustments (Planning Department)	90 days (T)
Final agreements with property owner	30 days (T)
Title search, escrow & title transfer	30 days (T)
Property & Easement Enhancements:	
Trail development/construction	90 days (T)
Road access improvements	30 days (C)
Erosion control measures	30 days (C)
Vegetation survey & Forester recommendations	20 days (C)
Fire hazard/fuel modification	30 days (T)
Administrative:	
MPUD Board action project policies	30 days (C)
Public Access Preparation:	
Boundary signs	30 days (T)
Trailhead stations installation	30 days (T)
Public notification	60 days (C)
Agency & public project introduction	30 days (T)

T = Total time required

C = Takes place consecutively – does not add time to total project schedule

C. 8 Budget:

The project costs are shown on the SNC “Detailed Budget Form” provided in the Grants application Packet. We assumed that all costs proposed for grant funding are included in section 1, 2 and 3 of the form. The purchase price of the parcel and easement are the only costs proposed for grant funding. All other project costs are in kind participation from SFC, and MPUD and are included in section 4. The total budget for the acquisition and associated project cost including in kind contributions is \$1,088,888. The total grant request to the SNC Proposition 84 program is \$1,000,000. The total amount of MPUD expenditures and in kind contributions is estimated to be \$88,888

The on going annual cost for the performance monitoring, vegetation management, trail maintenance...etc will be budgeted by the MPUD in the annual Source of Supply budget item. The increase in the operating budget as a result of the proposed project is estimated to be \$15,000 to \$20,000 per year. In addition there will be ongoing monitoring of funding requirements and performance by SFC.

D. Restrictions, Technical Documents and Agreements:

The portions of the watershed proposed for acquisition are zoned “Agriculture Exclusive” (AE) with the open watershed overlay (OWO) and scenic highway overlay. Permitted uses for AE zoning include ranching, commercial vineyards, orchards, nurseries, greenhouses and wineries. The minimum parcel size of AE zoning is 160 acres. The new Mariposa County General Plan shows the project area as residential “Mountain Home” (MH) land use potential. Minimum parcel size for MH land use is 5 acres. The OWO would still limit the development of parcels to a 20 acre minimum. Although a zoning change would be required to actually provide a land use change from 160 acres to 5 acre minimum, MPUD views the new General Plan land use proposal as a first step to allow for higher density development in the future.

The property owner has executed a willing seller letter for the Stockton Creek preserve and trail acquisition. SFC has acquired the services of a certified appraiser and expects a complete appraisal report by October 15, 2010. A preliminary title report has been completed on the property proposed for acquisition.

## **LAND AND WATER BENEFITS**

Stockton Creek is tributary to Mariposa Creek which ultimately discharges to the San Joaquin River. Stockton creek is a seasonal stream that flows intermittently from July to November and flows consistently from December to June with very heavy flow during storm events. The highest elevation in the watershed is 3500 feet providing no spring snow melt run-off. There is

approximately 6.5 miles of streams in the watershed above the Stockton Creek dam. Approximately two miles of the main Stockton creek is located within the project area. The Stockton Creek preserve and trails would be the first conservancy project in the watershed.

The proposed project is consistent with objectives of the Calif. Regional Water Quality Control Board (RWQCB) water quality control plan for the San Joaquin River Basin (Basin Plan) as well as contributing to the Prop. 84 protections of streams and watersheds goals.

There are no public water or more importantly sewer disposal systems in the project area as well as the total watershed. Development for residential or any permitted or non-permitted use would depend on on-site water development (primarily hard rock wells) and on-site sewer disposal systems (septic tank/leach field installations). Although the local County Public Health Department requires specific design features, permits and inspections of new on-site systems, there is no on-going monitoring or maintenance requirements. Water quality monitoring of nearby streams is not a component of current development project planning. Health Department review of development after the initial installation is only done as a result of a complaint concerning obvious failure of a system. This project will result in removing approximately 425 acres of land from potential residential development.

Currently from time to time the proposed project area is leased to ranchers with grazing animals. There is a lack of regulation like those that are used on Federal lands that would restrict over-grazing and water quality impacts for these leases. In the past, the commercial grazing contracts have impacted the watershed erosion and water quality. Many times grazing animals break through the fences and barriers meant to restrict their access to the Mariposa town water supply. Grazing animal access near the reservoir is considered a significant component in the identification of health risks within the watershed.

The California Department of Public Health (CDPH) permits, regulates and monitors the public water supply for the MPUD water system. The District is required by CDPH to prepare a Watershed Sanitary Survey and provide updates every five years. Residential development and commercial grazing are considered significant health risk potential in the watershed surveys. This survey, as well as CDPH inspections, are primary components in the determination of surface water treatment requirements. The more health risks present in the watershed results in a higher degree and more technological advance water treatment requirements. The ultimate result is higher cost for public water treatment.

The proposed project will provide a good foundation in future land use regulation, road construction and overall development of the watershed as a whole. As the protection of the Stockton Creek preserve and trail becomes a significant goal, other agencies and land owners will become aware of the importance of watershed protection.

Along with the potential of the property to develop into single family parcels with associated roads and utilities there is also an impact on climate change. Although the Stockton Creek preserve and trail project would only be a very small mitigation, the overall activities to address climate change will be the result of many projects such as this.

## **SNC GOALS**

The Stockton Creek Preserve and Trail project will result in direct benefits to the SNC goals for the Proposition 84 funding program.

1. *Increased opportunities for tourism and recreation & Undertake efforts to enhance public use and enjoyment of lands owned by the public.* Currently there are no open areas close to the town of Mariposa that allow for public access. The nearest public use areas are Federal land consisting of Sierra National Forest (10 miles) and Yosemite National Park (45 miles). A significant feature of the town of Mariposa is tourist based industries including motels and restaurants and shops. The proposed Stockton Creek Preserve is within walking distance of the Mariposa town area. The easy close access affords most all the local population and tourists with a place to go at minimal or no cost or special transportation requirements where the local foothill terrain can be studied and enjoyed. MPUD has received many requests for access to the existing water line easement and reservoir. Current conditions of the land locked reservoir and easement described as for water line only, do not allow MPUD to accommodate those requests. Many locals use the water line easement and dirt roads in the proposed project area which is technically a trespass.
2. *Protect conserve and restore the regions physical, cultural, archaeological, historical, and living resources.* Within the area proposed for acquisition there are three recorded archaeological sites (see discussion in the project summary and “Environmental Setting and Impacts” section of this application. The vegetation management proposed will restore and maintain the natural condition of the project area.
3. *Aid in the preservation of working landscapes.* The Stockton Creek preserve and Trail area borders on State Highway 140 the only all year highway to Yosemite National Park. The project area is within the Mariposa County land use “Scenic Highway Overlay” (SHO) area. The SHO land use overlay is intended to protect the qualities of the public highways or roadways designated as scenic highways by the State of California and or the local Board of Supervisors. The proposed project will enhance and protect this land use restriction.
4. *Reduce the risk of natural disasters, such as wildfires.* As discussed in the project description, a portion of the land proposed for acquisition was impacted by a wild-land fire in 2004. In general open land within Mariposa County is considered in the “very high fire hazard” category. Virtually all the land in the proposal was impacted by the incomplete vegetation project in 2000. The tasks, including fuel modification, proposed for this proposal will greatly reduce the potential for wild land fire in the future.
5. *Protect and improve water quality.* The removal of the land proposed for acquisition from the inventory of developable area will provide protection of water quality especially with the potential increase density anticipated in the new Mariposa County General Plan for the project area. Improved water quality will be realized with initial project fuel modifications and continued vegetation management. Even with no development in the area the continued lack of maintenance of the property could only result in increased fire risk, erosion, sediment, and unauthorized uses, ultimately impacting water quality. As the protection in water quality increases, the requirements for water treatment are more manageable.



6. *Assist in the regional economy.* It is ironic that a rural county such as Mariposa would be lacking in large areas of public access near the primary community and county seat as the town of Mariposa. The proposed project will be the first designation of publicly accessible land within walking distance of the Mariposa town area. It is anticipated the preserve will (as suggested in item 1) provide the opportunity for the local population and tourists a public place to enjoy the natural environment and remain close to the services provided in the community thereby increasing the commerce to local business.

## **COMMUNITY SUPPORT**

MPUD has received letters of support for the Stockton Creek Preserve and Trail project from;

- Mariposa County Board of Supervisors
- California Department of Public Health
- Cal-Fire
- Sierra Business Council
- Yosemite Area Audubon Society
- Mariposans for Environmentally Responsible Growth (MERG)
- Sierra Foothill Conservancy (SFC)

Other local and state agencies have been consulted in development of the project plan. Cal Fire has indicated the agencies support and availability of CDC fire crews for the fuel modification and trail development. Cal Fire is also in a position to provide assistance through the consultation and review from the agencies licensed Professional Forester assigned to the Mariposa area.

During project planning neither MPUD or SFC have received any negative comments or opposition to the planned preserve and trail development. As the plan develops MPUD has received positive inquiries and constructive suggestions from the public and other agencies as the project becomes general knowledge (It's a small town).

Due to the project close proximity to the Mariposa county Grammar and High schools, there will be opportunity for students to participate in the management as well as the enjoyment of the Preserve and Trails. Projects contemplated for school participation include forestry management training, wild land fire protection and fire fighting tactics (The Mariposa County High School maintains an intensive ROP fire science program). Other educational opportunities include a variety of watershed studies that may be developed as the Schools become more aware of the public land availability.

Mariposa is currently developing an Integrated Regional Water Management Plan (IRWMP) MPUD staff is well involved in the development of the planning grant for submittal to the Department of Water Resources (DWR). The proposed Stockton Creek preserve with its watershed enhancement and management potential is a natural fit with the IRWMP process. As the local IRWMP is still in the development phase, there will be opportunity for the Preserve and Trail project to set the standard for watershed management in the region.

The proposed project will have continued exposure to local public agencies, non profits and other groups interested in watershed preservation. Public access will be advertised in the local newspaper and brochures available at public facilities within the town area.

## **10 PROJECT MANAGEMENT**

MPUD will continue the management of the project through the long term. It is anticipated that the Cal-Fire/CDC work crews will be available for maintenance and new enhancements well after the initial property acquisition (well beyond a ten year period).

MPUD staff already provides continuous maintenance and management of the Stockton Creek reservoir, a 60 acre parcel and a 440 acre foot reservoir and earth fill dam completed surrounded by the property proposed to acquisition. MPUD has utilized resources such as the Resource Conservation District staff, Cal-Fire, Mariposa County Planning Department as well as MPUD staff and equipment to complete property enhancement projects on the reservoir property. These resources have historically provided assistance in recreational improvement projects as well as watershed protection. MPUD will continue to use these resources in the management of the properties proposed for acquisition. MPUD will be able to fund projects through the normal water “source of supply” budget allocations for watershed enhancement and maintenance.

Project planning for enhancement of the recreational value of the acquired property will fit well with existing State and local organizations. A measure of the recreational value enhancement could include a sample count of the local and transient population that actually utilizes the new areas opened up for public access as a result of the proposed project.

There are two public schools within 1.5 miles of the proposed project - one high school and one elementary school. In the past (although technically a trespass) the student athletic programs have included a running course on the property proposed for acquisition. Other uses by the schools have included surveying, biological studies and water quality testing. With this project MPUD will be able to offer the schools legitimate access with more structured plans to include watershed protection and solid learning exercises.

Detailed Budget Form					
State of California - Sierra Nevada Conservancy					
APPLICANT NAME:		MARIPOSA PUBLIC UTILITY DISTRICT			
SNC REF #:					
PROJECT TITLE:		STOCKTON CREEK PRESERVE AND TRAIL			
PROJECT TYPE (choose one):					
<input type="checkbox"/> ACQUISITION <input type="checkbox"/> SITE IMPROVEMENT <input type="checkbox"/> RESTORATION <input type="checkbox"/> RE PROJECT PLANNING					
SECTION ONE DIRECT COSTS	QTY	UNIT*	UNIT COST	SUBTOTAL	SNC Grant Request
Property Acquisition					
Property Purchase in Fee	1	LS	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00
TOTAL:				\$1,000,000.00	\$1,000,000.00
DIRECT COSTS SUBTOTAL:				\$1,000,000.00	\$1,000,000.00
SECTION TWO INDIRECT COSTS	QTY	UNIT*	UNIT COST	SUBTOTAL	SNC Grant Request
Staff/Personnel Expense - Wages/Benefits/Consultants/Contract Labor					
				\$0.00	
TOTAL:				\$0.00	\$0.00
Printed Materials - Project related Publications/Communications/Public Outreach					
				\$0.00	
TOTAL:				\$0.00	\$0.00
Outreach/Education - Trainers fees/ facilitators/Facility Expense					
	0		\$0.00	\$0.00	
TOTAL:				\$0.00	\$0.00
Equipment Use Expenses - Insurance/Registrations/Maintenance/Rental					
			\$0.00	\$0.00	
TOTAL:				\$0.00	\$0.00
Performance Measure reporting					
				\$0.00	
				\$0.00	
OTHER TOTAL:				\$0.00	\$0.00
DIRECT COST SUBTOTAL:				\$1,000,000.00	\$1,000,000.00
PROJECT TOTAL:				\$1,000,000.00	\$1,000,000.00
SECTION THREE					
Administrative Costs (Description - Not to exceed 15% of Project Total):					
	0		\$0.00	\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
ADMINISTRATIVE TOTAL:				\$0.00	\$0.00
SNC TOTAL GRANT REQUEST:				\$1,000,000.00	\$1,000,000.00

\*Unit: Enter the appropriate unit of measure (e.g., hours = hrs., months = mos., each = ea., feet = ft., miles = mi., miscellaneous = misc., package = pkg, lump sum = Ls)

Project Budget Details					
State of California - Sierra Nevada Conservancy					
APPLICANT NAME:		MARIPOSA PUBLIC UTILITY DISTRICT			
SNC REF #:					
PROJECT TITLE		STOCKTON CREEK PRESERVE AND TRAIL			
PROJECT TYPE (choose one):					
<input checked="" type="checkbox"/> ACQUISITION <input type="checkbox"/> SITE IMPROVEMENT <input type="checkbox"/> RESTORATION <input type="checkbox"/> RE PROJECT PLANNING					
<div>SECTION FOUR</div> <div>OTHER PROJECT CONTRIBUTIONS</div> <div>List other funding or in-kind contributors to project</div>					
	QTY	UNIT*	UNIT COST	Contribution	Status**
(i.e. Sierra Business Council, Department of Water Resources, etc.)			\$0.00	\$0.00	
SFC Staff Conservation Planning	200	hrs	\$55.00	\$11,000.00	in progress
SFC Biological Consultant	40	hrs	\$50.00	\$2,000.00	in progress
SFC Outreach, Project Implimentation	110	hrs	\$55.00	\$6,050.00	in progress
MPUD Admin Staff	200	hrs	\$79.10	\$15,820.00	in progress
MPUD Office Staff	50	hrs	\$46.36	\$2,318.00	in progress
MPUD Field Staff	100	hrs	\$53.00	\$5,300.00	Pending SNC Grant
MPUD equipment Cost	40	hrs	\$50.00	\$2,000.00	Pending SNC Grant
Cal Fire /CDC Crew Trails and Fuel Mod	30	days	\$700.00	\$21,000.00	Pending SNC Grant
Property Survey	1	Ls	\$6,000.00	\$6,000.00	Pending SNC Grant
Property Acquisition Closing Cost	1	Ls	\$4,000.00	\$4,000.00	Pending SNC Grant
Trail Register Station	2	Ls	\$200.00	\$400.00	Pending SNC Grant
Field Signs & Project Discription	2	Ls	\$1,000.00	\$2,000.00	Pending SNC Grant
Brouchures and Trail Maps	10000	ea	\$0.10	\$1,000.00	Pending SNC Grant
Appraisal Cost	1	Ls	\$5,000.00	\$5,000.00	in progress
Property Lot Line Adjustment Fee	1	Ls	\$2,000.00	\$2,000.00	Pending SNC Grant
Legal Review	1	Ls	\$3,000.00	\$3,000.00	in progress
Total Other Contributions:				\$88,888.00	

## 10 Performance Measures

### *1) Number of people reached:*

Trail Access and Use: The publically accessible Stockton Creek Trail will provide ongoing connection to the land conserved by this project and to public awareness of the benefits of Sierra Nevada Conservancy, the Proposition 84 grant program, water resources and local land conservation. The trail will be accessible to the public including but not limited to: the local community, tourists, and school groups. MPUD and SFC propose several methods of tracking trail use: 1) The trail register will provide a voluntary log of users 2) MPUD will incorporate weekly trail monitoring to their reservoir monitoring protocol which will include a count of users observed in a weekly report. In order to prevent double counting we will subtract entries from the trail log that occur during the time of MPUD's weekly monitoring. 3) We anticipate that numerous groups will utilize the trail for activities such as the MPUD/SFC hosted grand opening, community trail runs, bird watching field trips with Yosemite Area Audubon, Mariposa High School Track Team, Mariposa Elementary School etc. we plan to develop a trail use and feedback form for these groups to provide information on their use of the trail.

Signs and Trail Brochure: As part of this project SFC and MPUD will create signage and a trail brochure. The brochure will 1) detail the trail route 2) promote the project partners with brief summaries including: MPUD The Stockton Creek Reservoir and where our water comes from, SFC and the importance of local land conservation and the clearly demonstrated connection between land and water conservation that the Stockton Creek Preserve and Trail represent, Sierra Nevada Conservancy and Proposition 84 grant program. We will consult SNC as to their ideal characterization of this language. The first print run will include promotion of the trail and project provide ongoing connection to the project the two signs proposed to be mounted Trail map recognition of project partners and SNC funding first run with

MPUD and SFC plan to partner to host a celebration of completing the Stockton Creek Preserve and grand opening of the public trail. The celebration would announce SNC's role in awarding Prop 84 funds for protecting the land, water, and creating new publically accessible recreation areas. We plan to invite the community of Mariposa, SFC members, government officials, SNC board and staff, media representatives and conservation and resource professionals. The Stockton Creek property is already a high profile subject in Mariposa due to the visibility of the property from the State scenic highway 140 and the community knowledge of the land surrounding the local water

resource. Additionally the public trail aspect of this project will peak the interest of many, thus we expect a high level of participation celebrating the completion of the project and estimate roughly 200 attendees. MPUD and SFC will note the number of attendees from each for reporting purposes.

Media Coverage and Communications: MPUD and SFC will print three articles announcing of the project's success with SNC Prop 84 funding in the *Merced Sun Star*, (Sierra foothill and San Joaquin valley distribution which circulates 16,000 papers daily and 20,000 on Saturday), the local Mariposa County news paper *The Mariposa Gazette* (6,000 publications circulated weekly in the Mariposa Area), and in SFC's newsletter *The Foothill Advocate* which is distributed to over 1,100 SFC members and approximately 300 copies are distributed to public locations throughout Mariposa, Madera, and Fresno Counties. SFC will post an announcement of the project's completion on their website and send out an article in their e-newsletter which reaches approximately 1,500 readers. SFC will also utilize their social media network and post the project success and promote use of the trail through their Facebook and Twitter accounts reaching approximately 600 individuals. Additionally the Stockton Creek Trail will be posted to the Sierra Nevada Geo-Tourism Website to promote sustainable tourism in the region.

SFC conducts many presentations to local business groups, agencies, and community organizations and will be including the success of the Stockton Creek Preserve and Trail in many of those presentations. SFC will track each time they recognize the Stockton Creek Preserve and Trail and the support of SNC and Prop 84 fun. SFC will track the numbers of individuals reached for each of the above actions and report on this performance measure in each report.

## 2) *Dollar value of resources leveraged for the Sierra Nevada*

Conservation planning which includes decision making, agency meetings and input, and fundraising strategies for projects has required a significant amount of staff, consultant, and volunteer time. We estimate that SFC has invested roughly 200 staff hours into conservation planning for the area, which has a dollar value of about \$11,000. Project negotiations for The Stockton Creek Preserve and Trail by SFC staff and reviews by the volunteer Land Committee, which largely consists of biological consultants are valued to be over \$2,000.

If the project is successful, MPUD and SFC will be conducting outreach via newsletters and announcements, media outlets, the trail brochure, organizational partnership contacts, community presentations, and a project celebration. All of the expenses associated with

these activities will be conducted by MPUD and SFC staff, volunteers, and organizational partnerships. We estimate the dollar value of this to be approximately \$6,100.

The Fisher Family and Oakhurst Comfort, Inn LLC has agreed to donate \$50,000 to SFC to perpetuate the mission of the local land trust and contribute \$30,000 for project costs. This brings the total of funds leveraged for the completion of the Stockton Creek Preserve and Trail to be approximately \$99,100.

The completion of the Stockton Creek Preserve and Trail would provide the kind of visibility that would generate excitement, build personal connections to natural lands and a more robust case for future investment in land and water conservation in the Sierra. Although estimating the dollar value of this is difficult, it should not be ignored as a significant leverage of California tax dollars.

### *3) Number and Type of Jobs Created*

We intend to utilize local businesses and resources for the completion of the various deliverables associated with the Stockton Creek Preserve and Trail. Jobs that will be created by the project include: printing the trail brochure, building the trail registry and signs, and fire fuel reduction. MPUD will report on the number of jobs created and the length of employment for positions associated with the project. We anticipate 5 FTE jobs to be created by this project. This information will be included in the final grant reports to SNC.

### *4) Number of New, Improved, or Preserved Economic Activities*

Mariposa is a gateway community to Yosemite National Park and its local economy is based in the tourism associated with visitors to the National Park. In meetings of the Mariposa Tourism Bureau, Mariposa Economic Development Corporation and Yosemite Gateway Partners one of the goals and challenges is consistent; increasing tourism numbers and extending the amount of time and dollars tourists spend in Mariposa. The Stockton Creek Preserve and Trail will improve the goal of retaining more visitors by providing them with hiking activities in Mariposa. Additionally the project will preserve a significant portion and viewshed along the scenic corridor from Mariposa to Yosemite which is visible from federally designated Scenic Highway 140. Conservation of the rural character and scenic corridor from Mariposa to Yosemite is critical to Mariposa preserving its status as one of the entrances to Yosemite that receives the highest number of use by motorists. As National Geographic's Sustainable Destinations division reports, the fastest growing form of tourism is experience based tourism. The Stockton Creek

Preserve and Trail will provide preservation of the rural scenic character of the region and provide a new activity for those tourists seeking experience in their travel.

#### *6. Number of Liner Feet of Stream Bank Protected and Restored*

The Stockton Creek Preserve will conserve a significant amount of stream bank that flows into the Mariposa's Stockton Creek Reservoir making up Mariposa's main water supply. MPUD will determine and report on the liner feet of stream bank protected our first performance measure reporting.

#### *7. Number of New Recreation Access Points*

The Stockton Creek Preserve and Trail will create at least two new recreation access points at the north and south ends of the trail. MPUD, with the help of partners and volunteers are considering developing additional hiking and mountain biking trail systems on the parcels surrounding the reservoir. MPUD will report on the progress of the trail planning and building in our Progress Reports.

#### *8. Number of Special Significance Sites Protected and Preserved*

A Cultural Resources Assessment was completed on the Stockton Creek property in the 1990's. The report found numerous cultural sites on the property that are indicative of fall and winter first peoples inhabitation and more specifically sites used for processing acorn. This property is abundant in one of the main food sources of the first peoples, acorn and the two main elements for processing the acorn, water and granite. These sites are important to the contemporary members of the Southern Sierra Miwok the ancestors of whom would have utilized the sites. The high development potential of the property due to proximity to the town of Mariposa and zoning put those cultural resources at risk. MPUD will review and report on specific numbers from Cultural Resources Assessment in our first Progress Report.

#### *11. Acres of Land Conserved*

The Fee title acquisition of The Stockton Creek Preserve will conserve 425 acres of direct water resources and the public access easement for the Stockton Creek Trail will conserve 1.8 miles of publically accessible trails for recreational use. The acquisition of the property for water resource conservation and recreational use will remove the pressure of development on this undeveloped property maintaining the scenic view shed from highway 140, wildlife, water and plant conservation values of the entire property.



## *12. Acre Feet of Water Supply Conserved or Enhanced*

The Stockton Creek Preserve will conserve an area that is under intense development pressure and which contains surface water that flows directly into the reservoir that provides Mariposa with its main water resource. MPUD monitors the reservoir levels currently and will determine the acre feet of water that flows from the acquisition area into the reservoir in our progress reporting.

## *15. Feet of Trail/Path Length*

The Stockton Creek Trail will create and conserve 1.8 miles or 9500 feet of publicly accessible walking and hiking trail that is accessible from within the Mariposa town limits. The southern end of the trail begins only a couple hundred yards from the Mariposa County High School property boundary thus the trail will be highly accessible to Mariposa Unified School District students and particularly the MCHS students who already utilize the property occasionally for long distance running in there Track and Field Program.

## *17. Number of Collaboratively Developed Plans and Assessments*

This grant would fund the collaborative planning and creation of a direct drinking water resource preserve and public access trail by MPUD and SFC. Once MPUD has acquired the property a collaborative fire protection and fuel reduction plan between MPUD, Cal-Fire and will be developed to help protect the residents of the town of Mariposa.

MPUD and SFC also intend to form a Stockton Creek Trail Committee made up of representatives of MPUD and SFC and volunteers from the community. The committee will collaborate on a plan for trail maintenance, future trail development and disseminating the trail brochure. We hope to engage a dialogue from this trail as an aspect of sustainable tourism development and through promotion of the trail for visitor use, encourage the Mariposa community to vision a future for Mariposa that celebrates, highlights and conserves or rural character. We hope to engage groups like the Mariposa Chamber of Commerce and local hotels for trail brochure distribution. MPUD and SFC will provide updates on the various collaborative in our Progress Reports.

## **11. ENVIRONMENTAL SETTINGS AND IMPACTS**

The proposed area for the Stockton Creek Preserve and Trail varies from steep creek canyon terrain to open vistas overlooking the Stockton Creek Reservoir and foothills of Mariposa County. The elevation of the land ranges from approximately 2,000 to over 3,100 feet. Habitat types on the property include blue oak woodland, mixed oak woodland, mixed chaparral and oak woodland riparian corridors. Annual rainfall ranges from 21 to 30 inches with the rainy season normally starting in October and running through April.

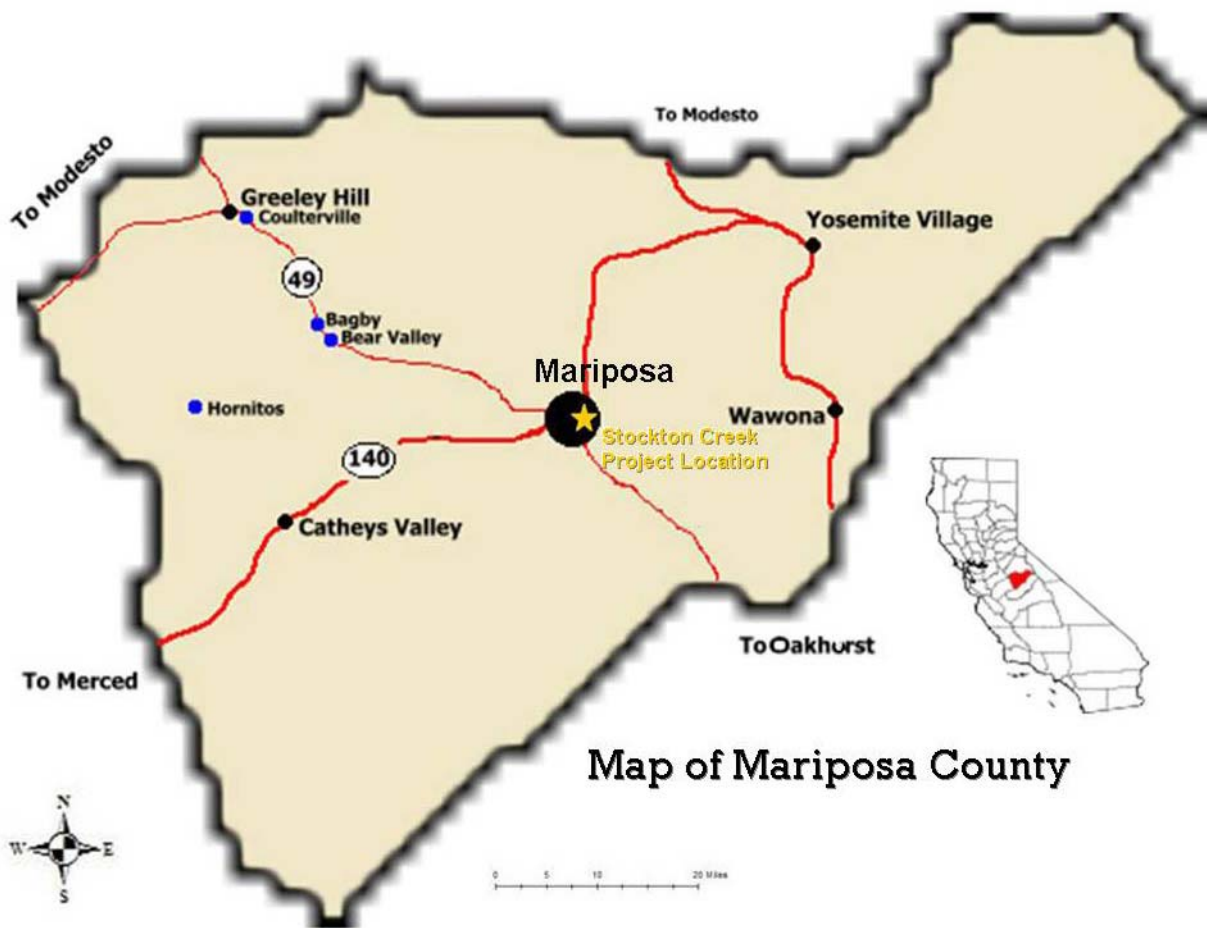
The proposed Stockton Creek Preserve includes 425 acres of land and water preserve and 1.8 miles of public access trail; the proposed project is to 1) fund the acquisition of the 425 acres that surrounds and makes up a portion of the watershed the flows directly into the Stockton Creek Reservoir, Mariposa's primary public water resource and 2) fund the acquisition of the trail easement from the MPUD water treatment facility to the south boundary of the existing Stockton Creek Reservoir property including trail improvements 3) improve the trail through the reservoir property for .2 miles and extends beyond the land posed for acquisition for additional .4 miles through what would be the willing sellers post project ownership. The trail easement would provide a public access trail throughout the 2 ownerships. The protection of this area would provide a protected buffer lands while ensuring the viability of the Ranch as a large intact property

MPUD plans to complete a vegetation management plan which was only partially completed in the early 2000's. Completion of the vegetation management will reduce the danger of wildfire proliferation on the property and provide a fire buffer to the adjacent town of Mariposa. Due to the suppression of natural fire and the lack of grazing and or fuel management, the land is currently over grown with high fuel loads which if ignited would burn at a high intensity. The planned fuel reduction would reduce the risk of catastrophic fire that the property now poses. Reduction of the fuel load would provide reduction of carbon emissions should a wildfire occur on the property.

Currently the land we are requesting funds for is contiguous and surrounds Mariposa Public Utility District's Stockton Creek Reservoir. The property is bordered to the north by approximately 1.5 miles of Scenic State Highway 140, and is surrounded on the west and south by natural undeveloped land and a majority of large landownership. The next logical expansion of the Town Planning Zone would be the property in question for acquisition. The fact that the property has a lower dollar value now because it is zoned for larger residential lots but has the potential for denser zoning in the future, makes it particularly ideal for development investors. The residential or commercial development of the proposed Stockton Creek Preserve would lead to a host of issues that would negatively affect the towns water supply and quality including domestic animal waste run off, increases in water sediment, toxins, and turbidity due to run off from development areas and their destabilized soils. Additionally acquiring the property would offer the potential for MPUD and Mariposa County to expand the current reservoirs capacity so that it could provide more water resources to Mariposa.

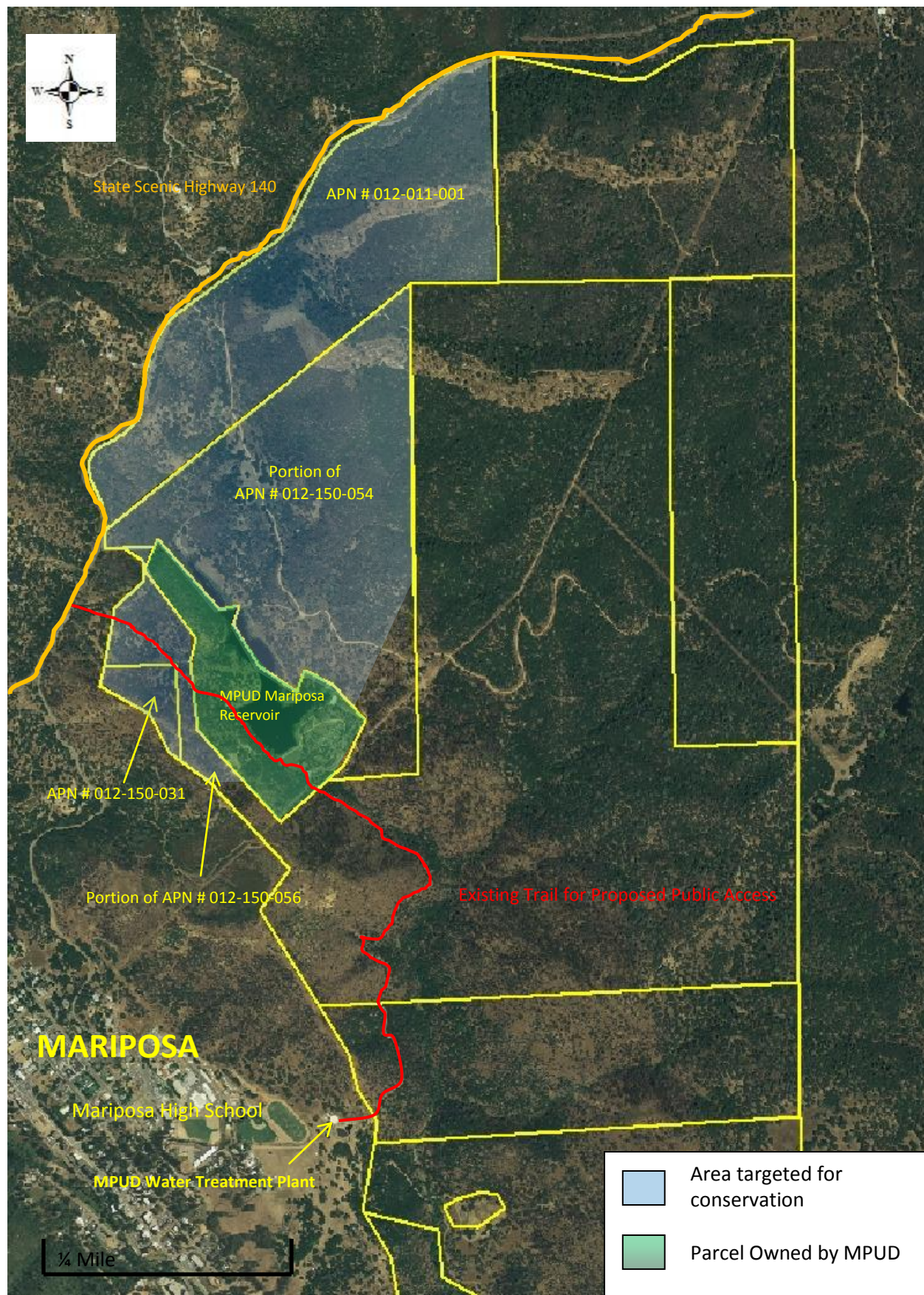
Sierra Foothill Conservancy hopes to conserve additional lands surrounding the area targeted for the Stockton Creek Preserve and Trail in the future which would provide even greater watershed

and natural resource protection. Once this project is completed a critical portion of the Stockton Creek watershed would be conserved, the public and visitors would have access to a new opportunity to connect with natural lands and understand where their water comes from, a portion of a scenic highway corridor would be preserved, a fire hazard would be reduced, and an expanse of natural land that provides habitat for a diversity of plants and animal species and would be conserved.



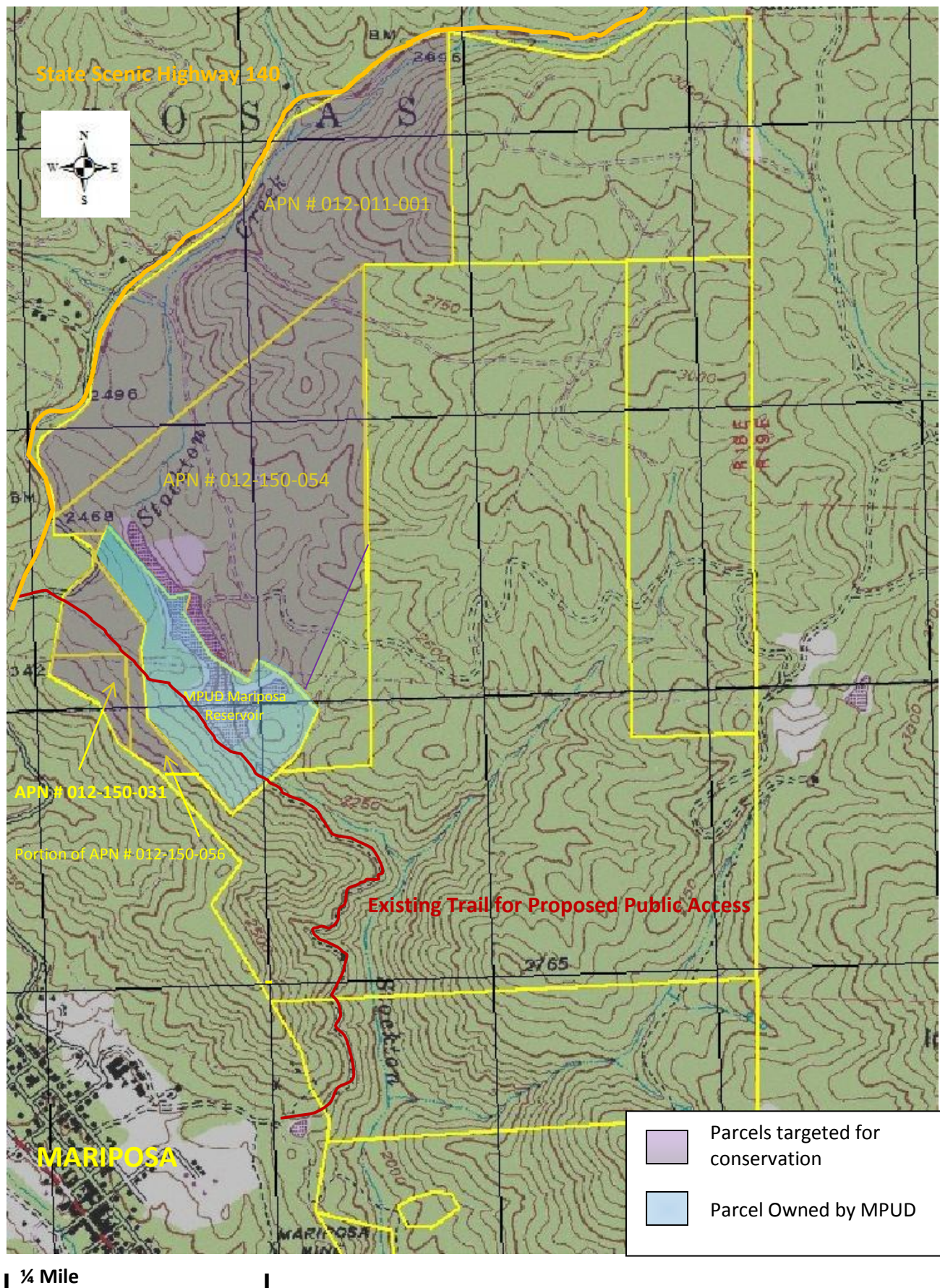


# Stockton Creek Conservation Project





# Stockton Creek Conservation Project







**Figure 1 Overall view of Stockton Creek watershed. Note dam location. Proposed acquisition to right of dam and middle of photo.**



**Figure 2 West side of Stockton Creek Reservoir. Proposed land acquisition.**



**Figure 3 Property proposed for acquisition.**



**Figure 4 Dead trees near Stockton Creek reservoir result of incomplete vegetation management project in 2000.**





**Figure 5** Dead trees near Stockton Creek reservoir result of incomplete vegetation management project in 2000.



**Figure 6** Damage and new brush growth from incomplete vegetation management project and 2004 wild land fire.



**Figure 7 Southern portion of proposed trail easement section.**

September 10<sup>th</sup>, 2011

Sierra Nevada Conservancy  
11521 Blocker Drive, Ste. 205  
Auburn, CA 95603

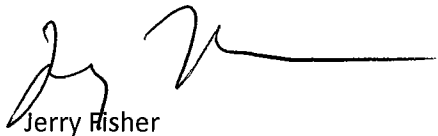
Attn: Proposition 84 Grant Reviewers

RE: Willing Seller Letter for Stockton Creek Preserve and Trail Application

To Whom It May Concern,

With this letter I, Jerry Fisher, as representative of Oakhurst Comfort Inn, LLC state my willingness and intention to sell that certain real property and donate the value of the publically accessible trail easement detailed in Mariposa Public Utility District's proposition 84 grant application.

Thank you,

A handwritten signature in black ink, appearing to read 'Jerry Fisher', followed by a long horizontal line extending to the right.

Jerry Fisher  
Oakhurst Comfort Inn, LLC

## OPTION AGREEMENT

THIS OPTION AGREEMENT (the "Agreement") is made effective as of September \_\_\_\_ 2010 (the "Effective Date"), by and between Oakhurst Comfort Inn LLC ("Optionor"), and SIERRA FOOTHILL CONSERVANCY, a California non profit public benefit corporation ("Optionee"). Optionor and Optionee are sometimes collectively referred to herein as the "Parties" and singularly by their individual names or as a "Party."

### **RECITALS:**

A. Optionor is the owner of that certain real property described in Exhibit "A" attached hereto and depicted on the map Exhibit "B" and incorporated herein by this reference (the "Property").

B. Optionee desires to acquire the exclusive right to purchase fee title to the Property from Optionor for the purpose of retaining the Property predominately in its natural and open-space condition. Optionor desires to grant to Optionee the exclusive right to purchase fee title to the Property from Optionor, on the terms and subject to the conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Grant of Option. Optionor hereby grants to Optionee an option to purchase the Property on the terms and conditions of this Agreement (the "Option"). This option is granted in consideration of optionee's agreement to submit the grant proposal and fund the appraisal required to support the grant proposal described below.

2. Option Term. The term of the Option shall commence on the Effective Date and shall expire at 5:00 p.m. Pacific Time on December 31, 2011 (the "Option Term").

3. Conditions. This option is subject to the following conditions:

3.1 On or before September 15<sup>th</sup> 2010 SFC or its assignee shall submit a grant proposal to Sierra Nevada Conservancy for the fee title acquisition.

3.2 Sierra Nevada Conservancy approves the grant award March 2011 Board of Directors Meeting.

3.3 Sierra Nevada Conservancy deposits funds in escrow by December 31<sup>st</sup>, 2011

3.4 SFC exercises the option and deposits the fully executed Purchase Agreement in Escrow by December 31, 2011.

3.5 On or before September 30, 2011, SFC, at its sole cost and expense shall complete the lot line adjustment to include a portion of APN 012-150-056 in the Property.

3.6 If SFC is notified at anytime during the duration of this option that SFC did will not receive funding from the Sierra Nevada Conservancy for the purchase of the Property, SFC shall notify the Optionor within seven (7) days.

If any one of these conditions does not occur by the time stated then the option shall automatically terminate unless extended by mutual agreement of the parties.

4. Escrow. Immediately following execution of this agreement SFC shall establish an escrow with ("Escrow") with Inter-County Title Company, Tuolumne-Mariposa Division, at P.O. Box 838, 5160 Bullion Street, Mariposa, CA 95338 ("Escrow Holder"), subject to the provisions of the standard conditions for acceptance of escrow and the terms and conditions in this Agreement, with a signed counterpart of this document to be delivered as escrow instructions to Escrow Holder. In the event of any conflict between the terms of this Agreement and the standard conditions for acceptance of escrow, the terms of this Agreement shall control.

5. Preliminary Title Report. The Parties have caused Escrow Holder to issue to Optionee (with a copy to Optionor) a preliminary report, setting forth all liens, encumbrances, easements, restrictions, conditions, pending litigation, judgments, administrative proceedings, and other matters affecting Optionor's title to the Property ("Preliminary Report"), together with copies of all documents relating to title exceptions referred to in the Preliminary Report.

6. Access. During the Option Term, Optionor shall provide Optionee and Optionee's agents, employees, and representatives (collectively "Optionee's Agents") with access to the entire Property to allow each of them to investigate, inspect, and conduct tests upon the Property for any purpose that Optionee deems necessary or advisable, including, but not limited to, taking samples of the soil and/or water and conducting environmental assessments (including an investigation of past and current uses of the Property). Optionee and Optionee's Agents shall have the right, from the Effective Date to the expiration of the Option Term, to contact any federal, state, or local governmental authority or agency to investigate any matters relating to the Property. Optionor agrees to reasonably cooperate with Optionee and Optionee's Agents in the inspection of the Property and agrees to deliver to Optionee all information in Optionor's possession or control pertaining to the condition of the Property, including engineering and environmental reports, studies, tests, monitoring results, and related documentation.

7. Inspection of the Property. During the Option Term, Optionee may undertake at Optionee's sole expense an inspection of the Property; an appraisal of the fair market value of the Property; an investigation of the physical condition of the property, including but not limited to, review, inspection, examination and testing of soils, water, environmental factors, Hazardous Substances (as defined in Paragraph 8), if any; an investigation of the biological and cultural resources of the Property; and investigation of the effect of any zoning,

maps, permits, reports, engineering data, regulations, ordinances, and laws affecting the Property (collectively, "Optionee's Inspections"). Within thirty (30) days following the Effective Date, Optionor shall deliver to Optionee copies of all plans, surveys, specifications, and other documents pertaining to the physical, geological, biological, cultural or environmental condition of the Property that are owned by or in the possession of Optionor (the "Property Information"). Optionee shall make copies of the Property Information and return the Property Information to Optionor within thirty (30) days of its receipt by Optionee.

8. Definition of "Hazardous Substances". The term "Hazardous Substances" shall include, without limitation, (i) those substances included within the definitions of "Hazardous Substances", "Hazardous Materials", "Toxic Substances", or "Solid Waste" in CERCLA (42 U.S.C. §§ 9601, *et seq.*), Solid Waste Disposal Act/RCRA (42 U.S.C. §§ 6901, *et seq.*), the Hazardous Materials Transportation Act (49 U.S.C. §§ 1801, *et seq.*), Toxic Substances Control Act (15 U.S.C. §§ 2601, *et seq.*), and in the regulations promulgated pursuant to said laws; (ii) those substances listed in the United States Department of Transportation Table (49 CFR 172.101 and amendments thereto) or by the Environmental Protection Agency (or any successor agency) as hazardous substances (40 CFR Part 302 and amendments thereto); (iii) such other substances, materials and wastes which are presently regulated under applicable Federal, State or local law, or which are classified as hazardous or toxic under Federal, State or local laws or regulations; and (iv) any material, waste or substance which is petroleum, asbestos, polychlorinated biphenyls, flammable explosives, or radioactive materials. Any reference herein to statutory or regulatory sections shall be deemed to include any amendments thereto and any successor sections. "Hazardous Substances" shall also include any substance the presence of which requires investigation or remediation under any Federal, State or local statute, regulation, ordinance, order, action or policy, and includes, in addition, any substance the presence of which causes or threatens to cause a nuisance upon the premises or adjacent property or threatens the health and safety of persons on or about the premises.

9. Optionee's Indemnification of Optionor. Optionee shall jointly and severally indemnify, defend, and hold Optionor, and its heirs, executors, administrators, representatives, trustees, beneficiaries, successors, and assigns, and each of them, and the Property, harmless from and against any and all claims, demands, losses, costs, expenses, damages, recoveries, deficiencies, liabilities, and liens (including, without limitation, the defense thereof and all reasonable attorneys', paralegals', and other professionals' fees and costs) that may arise, result from or be attributable to the acts or omissions of Optionee or Optionee's Agents, or both, in performing or preparing the Optionee's Inspections. The foregoing indemnity shall not be construed as an obligation of Optionee to indemnify Optionor, or Optionor's heirs, executors, administrators, representatives, trustees, beneficiaries, successors, and assigns, for any Hazardous Substances located on the Property, unless the presence of such Hazardous Substances is caused by Optionee or Optionee's Agents.

10. Exercise of Option. Optionee shall exercise the Option by delivering written notice to Optionor and Escrow Holder of Optionee's election to exercise the Option (the "Exercise Notice"). Optionee shall have the right to exercise the Option at any time during the Option Term.



11. Purchase Price. The purchase price for the fee title to the Property shall be \$1,000,000 (One Million Dollars,) (the "Purchase Price"). The Purchase Price shall be paid in cash, by certified check or other immediately available good funds at the close of escrow. The Property shall not exceed 425 (four hundred and twenty five) acres after the boundary changes to the existing parcels.

12. Purchase and Sale Agreement; Grant Deed. Upon exercise of the Option by Optionee, Optionor and Optionee shall negotiate in good faith the terms and conditions of a purchase and sale agreement (the "Purchase and Sale Agreement") and a Grant Deed for the Property. A fully executed original of the Purchase and Sale Agreement shall be deposited with the Escrow Holder as additional escrow instructions.

13. Condition of Title. At close of escrow, Title to the Property shall be conveyed to Optionee, or Optionee's nominee free and clear of all liens and encumbrances except the following "Permitted Exceptions":

- (a): those liens for non-delinquent real property taxes, assessments, and other like charges;
- (b): those exceptions listed on the Preliminary Report that are approved by Optionee within ninety (90) days of the date that Optionee receives the Preliminary Report; and
- (c): any other matters approved by Optionee in writing, which approval or disapproval shall be communicated not later than the time Optionee exercises the Option.

Except for the Permitted Exceptions, all exceptions and encumbrances to title will be removed by Optionor as "Unpermitted Exceptions" by close of escrow. Optionor will use best efforts to remove the Unpermitted Exceptions. During the term of this Agreement, Optionor promises not to make or permit any leases or other agreements or easements, liens or encumbrances to be placed on the Property or to permit any mortgage, deed of trust or other lien to be foreclosed upon due to Optionor's actions or omissions, including failure to make a required payment or to obtain any required consent.

In the event Optionor is unable to remove any objectionable exceptions within the above-referenced time period, Optionee may elect to terminate this Agreement in which case Optionee shall have no obligation to purchase the Property and the Option Payment made by Optionee under the terms of this Agreement shall promptly be refunded to Optionee.

14. Title Insurance. Optionor shall pay for the cost of a title endorsement for mechanics and materialmen liens in a form approved by Optionee and a C.L.T.A. standard owner's policy of title insurance in the full amount of the Purchase Price, insuring that title to the Property is vested in Optionee upon close of escrow subject only to the Permitted Exceptions. Optionee may, at Optionee's option, obtain an A.L.T.A. policy, provided that Optionee shall be responsible for any difference in cost between the C.L.T.A. policy and the A.L.T.A. policy.

15. Closing Costs. Recording fees and document preparation fees shall be paid by Optionee. Escrow fees and other closing costs shall be shared equally between Optionee and Optionor.

16. Closing Date. Unless otherwise extended by the Parties in writing, the close of escrow shall be no later than ninety (90) days from the date of any Exercise Notice and, in no event later than March, 31, 2012.

17. Memorandum of Option. Upon the execution of this Agreement, the Parties shall execute and acknowledge a Memorandum of Option to be recorded in the official records of Fresno County, California, in the form attached as Exhibit "C" hereto.

18. Quitclaim Deed. If this Agreement is terminated, Optionee agrees, if requested by Optionor, to execute, acknowledge, and deliver a quitclaim deed to Optionor within fifteen (15) days after termination and to execute, acknowledge, and deliver any other documents required by any title company to remove the cloud of this option from the Property.

19. Notices. All notices, demands, requests, exercises, and other communications under this Agreement by either party shall be in writing and (i) sent by United States Certified Mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States mail, or (ii) sent by a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with that courier, or (iii) sent by telecopy or similar means if a copy of the notice is also sent by United States Certified Mail; in which case notice shall be deemed delivered on transmittal by telecopier or other similar means, provided that a transmission report is generated that reflects the accurate transmission of the notices, as follows:

Optionor:

Oakhurst Comfort Inn, LLC

*1245 Freedom Ave Suite 2*  
*Watsonville CA*  
*95076*

Optionee:

SIERRA FOOTHILL CONSERVANCY

Post Office Box 529

Prather, California 93651

Fax: (559) 855-3474

Attn: Jeannette Tuitelle-Lewis, Executive Director

With a copy to:

Christopher L. Campbell, Esq.

BAKER, MANOCK & JENSEN, PC

5260 North Palm Avenue, Suite 421

Fresno, California 93704

Facsimile: (559) 432-5620

These addresses may be changed by written notice to the other party, provided that no notice of a change of address shall be effective until actual receipt of that notice. Copies of notices are for



informational purposes only, and a failure to give or receive copies of any notice shall not be deemed a failure to give notice.

21. Attorneys' Fees. In the event of any controversy, claim, or dispute between the parties arising out of or relating to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the other party reasonable expenses, attorneys' fees, and costs.

22. Entire Agreement. This Agreement and items incorporated herein contain all of the agreements of the parties with respect to the matters contained herein, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.

23. Amendments. No provisions of this Agreement may be amended or modified in any manner whatsoever except by an agreement in writing signed by duly authorized representatives of each of the parties.

24. Successors. The terms, covenants and conditions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators and assignees of the respective parties.

25. Assignment. Neither party may assign this Agreement without the prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the forgoing, Optionor hereby agrees that Optionee may assign all rights under this agreement to MPUD (Mariposa Public Utility District).

26. Governing Law and Venue. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California. The parties to this Agreement agree that venue for any litigation arising under this Agreement shall be in the County of Fresno, State of California, if instituted in a State court, or the Eastern District of California, Fresno, if instituted in a Federal court.

27. Headings. Headings at the beginning of paragraph are solely for the convenience of the Parties and are not a part of this Agreement.

28. Counterparts. This Agreement may be signed by the parties in different counterparts and the signature pages combined to create a document binding on all parties. IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

"Optionor"

Oakhurst Comfort Inn, a Limited Liability Corporation

By 

"Optionee"

SIERRA FOOTHILL CONSERVANCY, a California nonprofit public benefit Corporation

Print Name \_\_\_\_\_  
Title \_\_\_\_\_

By \_\_\_\_\_  
Bridget Fithian, Mariposa Director

**CONSENT OF ESCROW HOLDER**

I have read the foregoing Option Agreement on behalf of Inter-County Title Co., Tuolumne-Mariposa Division and hereby agree to act as Escrow Holder and, as such, perform as herein above set forth.

Dated: September \_\_, 2010

Inter-County Title Co.,  
Tuolumne-Mariposa Division,

By: \_\_\_\_\_

Title: \_\_\_\_\_

## Legal Description

1

**EXHIBIT "C"**

RECORDING REQUESTED BY  
Sierra Foothill Conservancy

AND WHEN RECORDED MAIL TO:  
Christopher L. Campbell, Esq.  
BAKER, MANOCK & JENSEN, PC  
5260 North Palm Ave., Ste.421  
Fresno, California 93704

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**MEMORANDUM OF OPTION**

This Memorandum of Option is made effective as of September \_\_, 2010, by and between \_\_\_\_\_, \_\_\_\_\_ ("Optionor"), and SIERRA FOOTHILL CONSERVANCY, a California nonprofit public benefit corporation ("Optionee").

FOR VALUABLE CONSIDERATION, Optionor hereby grants Optionee an option to purchase fee title, to a portion of that certain real property described in Exhibit "A" attached hereto and incorporated herein by this reference, under the terms and conditions described in that certain Option Agreement dated of even date herewith and incorporated herein by this reference (the "Option Agreement"). The option term shall commence on the date indicated above and terminate on December 31, 2011, unless terminated earlier pursuant to the terms of the Option Agreement.

| *(Signature page follows)*

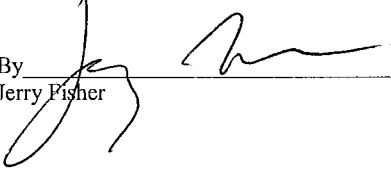
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IN WITNESS WHEREOF, the parties have executed this Memorandum of Option as of the date first above written.

“Optionor”

Oakhurst Comfort Inn a California LLC

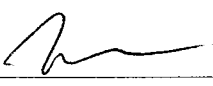
By  
Jerry Fisher



“Optionee”

SIERRA FOOTHILL CONSERVANCY, a  
California nonprofit public benefit  
Corporation

By  
Bridget Fithian, Mariposa Director



**FILED**

SEP 9 2010  
KEITH M. WILLIAMS  
MARIPOSA COUNTY CLERK

**MARIPOSA PUBLIC UTILITY DISTRICT  
NOTICE OF EXEMPTION**

  
KAREN M. HERMAN  
Deputy County Clerk

**TO:** County Clerk, County of Mariposa      **FROM:** Mariposa Public  
P.O. Box 247      Utility District  
Mariposa, CA 95338      P.O. Box 494  
Mariposa, CA 95338

**Project Title:** STOCKTON CREEK CONSERVANCY

**Project Location:** APN 012-011-001, 012-010-097, 012-150-054, 056, 055,  
031, 061

**Description of Project:**

Acquisition of property in the Stockton Creek watershed to protect public water supplies, enhancement of the natural setting, protect existing historical archaeological sites and provide wild land fire hazard mitigation. Approve application for funds through the Proposition -84 Grant programs administered by the Sierra Nevada Conservancy.

**Name of Public Agency Approving Project:** Mariposa Public Utility District Board of Directors

**Name of Agency Carrying Out Project:** Mariposa Public Utility District

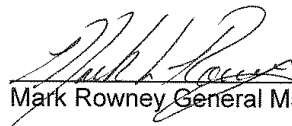
**Exempt Status:** Categorical Exemption, Class 25, Section 15325(a), CEQA Guidelines

**Reason Why Project Is Exempt:** Acquisition of property by Mariposa Public Utility District to preserve the existing natural conditions, including plant and animal habitats

**Lead Agency Contact Person:** Mark Rowney, General Manager

**Phone Number:** (209) 966-2515

Mariposa Public Utility District

  
Mark Rowney, General Manager

September 9, 2010  
Date





September 8<sup>th</sup>, 2011  
Sierra Nevada Conservancy  
11521 Blocker Drive, Ste. 205  
Auburn, CA 95603

Attn: Proposition 84 Grant Reviewers  
RE: Letter of Support

It is with enthusiasm that I write this letter on behalf of Sierra Foothill Conservancy and our more than 1,100 members in support of the Mariposa Public Utility District's proposed Stockton Creek Preserve and Trail in Mariposa County. We believe that this project represents an ideal grant application for Sierra Nevada Conservancy's Proposition 84 Grant Program.

The Stockton Creek Preserve and Trail directly conserves critical water resources utilized by the people of Mariposa and the project clearly results in direct benefits to five of SNC's program goals including: 1) Provide Increased Opportunities for Tourism and Recreation, 2) Protect, conserve, and restore the region's physical, cultural, archeological, historical, and living resources, 3) Reduce the risk of catastrophic wildfire 4) Protect and improve water and air quality 5) Undertake efforts to enhance public use and enjoyment of lands owned by the public.

The Stockton Creek Preserve conserves 425 acres of the watershed that surrounds and flows into the Stockton Creek Reservoir, the main water resource utilized by the people of Mariposa. Conservation of this land will prevent the contamination of Stockton Creek water resources by removing the development pressure that the property is currently under, thereby protecting water quality. The project and MPUD's longterm management plans for the property will provide for reduction of fuel loads and the threat of wildland fire to the town of Mariposa. With the dedication of the publicly accessible trail, the Stockton Creek Preserve and Trail provides new opportunities for recreation and place based tourism which is of tremendous benefit to the local community and the local tourism based economy. The proximity of the The Stockton Creek Preserve and Trail to the town of Mariposa provides a high profile project for demonstrating the benefits of the Proposition 84 grant program, The Sierra Nevada Conservancy and has the potential to foster a greater understanding of where public water comes from and the importance of resource conservation. This project also represents a new partnership between MPUD and Sierra Foothill Conservancy which provides new opportunities for future project cooperation.

It is a pleasure to work with the MPUD and have this opportunity to partner on a acquisition with an entity that shares in SFC's vision and mission to conserve natural lands, working landscapes for present and future generations.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bridget Fithian', written over a horizontal line.

Bridget Fithian  
Mariposa Director  
Sierra Foothill Conservancy

September 9, 2010

Sierra Nevada Conservancy  
11521 Blocker Drive, Suite 205  
Auburn, CA 95603

RE: Grant Application to the Sierra Nevada Conservancy

To whom it may concern:

On behalf of Sierra Business Council, I am writing to support the Sierra Nevada Conservancy grant applications of The Mariposa Public Unity District (MPUD) for the fee title acquisition of a critical portion of the Stockton Creek Watershed.

This project is critical to providing a clean source of water supply to the citizens of Mariposa. The Stockton Creek reservoir is still the primary source of drinking water for MPUD. It is vital that this land is conserved before development plans are executed on the property.

The MPUD vision and priority acquisition project supports Prop 84's conservation goals of protecting and restoring California's rivers, lakes and streams, their watersheds and associated land, water, and other natural resources. This project directly supports the Sierra Nevada Conservancy's goal of protecting, conserving, and restoring the Region's physical, cultural, and historical assets while aiding in the preservation of working landscapes.

Providing The Mariposa Public Unity District with this acquisition grant these lands remain undeveloped and the water quality for the town of Mariposa is protected from added sediment and hazardous material runoff associated with development.

In closing, we strongly recommend the funding of this project based on the high water quality benefit protecting these acres will provide to the region.

Sincerely,



Steve Frisch  
President, Sierra Business Council





MARK B. HORTON, M.D., M.S.P.H.  
Director

State of California—Health and Human Services Agency  
California Department of Public Health



ARNOLD SCHWARZENEGGER  
Governor

September 7, 2010

System No. 2210001

Mr. Mark L. Rowney, General Manager  
Mariposa Public Utility District  
P.O. Box 494  
Mariposa, CA 95338

**STOCKTON CREEK CONSERVANCY – PROPOSITION 84 PROJECT**

This is in response to your letter to me, dated August 17, 2010, regarding your application for Prop 84 funding, which is administered by the Sierra Nevada Conservancy, for a proposed project to acquire land adjacent to the existing Stockton Creek Reservoir to enhance watershed protection.

Source water protection is the most cost-effective method to ensure the safety of the drinking water supply. It is part of a "multi-barrier" approach to providing safe drinking water because treatment alone cannot always be successful in removing contaminants. Safe drinking water is essential to the public health and economic well-being of communities.

The Stockton Creek Reservoir is the main source of raw water supply for the District's water system; therefore, our office strongly supports the proposed source water protection project.

If you have any questions, please contact me at (559) 447-3132.

Sincerely,

Carl L. Carlucci, P.E.  
Supervising Sanitary Engineer  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

cc: Mariposa County Health Department

**MARIPOSANS FOR THE  
ENVIRONMENT AND  
RESPONSIBLE  
GOVERNMENT**

BOX 2121, MARIPOSA, CA 95338

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September 13, 2010

Mr. Mark L. Rowney  
General Manager  
Mariposa Public Utility District  
PO Box 494  
Mariposa, CA 95338

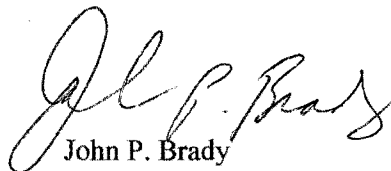
Dear Mr. Rowney,

MERG understands that MPUD, in cooperation with the Sierra Foothill Conservancy, is seeking to acquire land adjacent to the Stockton Creek Reservoir for the purpose of protecting the Stockton Creek watershed.

We applaud this effort as we are convinced it can have only beneficial effects on our environment, on the watershed and on our community. It will also preserve and protect open space and enhance recreational opportunities for the citizens of Mariposa County. Completion of the failed project from some years ago to remove the live oak and brush will both remove a terrible eyesore and enhance fire safety.

If we may assist in your efforts in any way, we will be pleased to do. You may contact me at 966-3482.

Best wishes for your success!



John P. Brady

MERG Chairman



**Yosemite Area Audubon Society  
4540 Ashworth Road  
Mariposa, CA 95338**

September 12, 2010

Sierra Nevada Conservancy  
11521 Blocker Drive, Ste. 205  
Auburn, CA 95603

Attn: Proposition 84 Grant Reviewers

RE: Letter of Support

The Yosemite Area Audubon Society (YAAS) is pleased to endorse the Mariposa Public Utility District's grant application for fee title acquisition of a substantial portion of the Stockton Creek watershed, the principal water supply for the town of Mariposa.

This project is crucial to assure long-term protection of water quality in the Stockton Creek Reservoir and, in turn, to provide a long-term clean source of drinking water to the residents of Mariposa. Without the protection that MPUD's acquisition of this property will afford, potential development of this land will threaten its integrity.

This proposal will support and promote both Proposition 84's water protection and restoration goals and the Sierra Nevada Conservancy's goals of protecting, conserving and restoring the Sierra's physical, cultural and historical attributes. MPUD ownership of this property will preclude its development and sustain the ecological qualities that prevent excessive runoff, which would carry silt and pollutants into the reservoir and degrade the water quality so vital to Mariposa's welfare.

The YAAS appreciates the opportunity to lend our organization's support to this project and urge you to approve this grant request.

Sincerely,

A handwritten signature in cursive script that reads "Kris Randal".

Kris Randal  
President, Yosemite Area Audubon Society



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-7772  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



September 9, 2010

Mark Rowney  
Mariposa Public Utility District  
P.O. Box 494  
Mariposa, CA 95338

Re: Stockton Creek Conservancy Project

Dear Mark:

As it relates to the Stockton Creek Drainage area, CAL FIRE supports the proposed project because of the extreme fuels issue in this space. The proposed project lies within the Cal Fire designated "High to Extreme Fire Hazard Area".

The conservancy project will include the consideration of the following watershed management strategies which we feel are consistent with CAL FIRE protection policies:

- Fuel modification, brush disposal and possible re-vegetation
- Correction of the incomplete project to remove live oak and brush implemented by the property owner years ago.
- Correction of fire damage from the Old Highway fire in 2004 within the Stockton Creek watershed.
- Trail enhancements to allow public access to specific areas within the Stockton Creek watershed.

Many of the proposed project activities will prove to be good for fire prevention in the area. As in the past, Cal Fire/CDCR fire crews may be available to assist with the project.

Sincerely,

Bill Hodson  
Acting Unit Chief  
CAL FIRE  
Madera-Mariposa-Merced Unit

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).

**Mariposa County  
Board of Supervisors**

District 1 ..... BRAD ABORN  
District 2 ..... LYLE TURPIN  
District 3 ..... JANET BIBBY  
District 4 ..... KEVIN CANN  
District 5 ..... JIM ALLEN



RICHARD J. BENSON  
County Administrative Officer

MARGIE WILLIAMS  
Clerk of the Board  
P.O. Box 784  
MARIPOSA, CALIFORNIA 95338  
(209) 966-3222  
1-800-736-1252  
FAX (209) 966-5147  
[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

September 7, 2010

Mark Rowney, General Manager  
Mariposa Public Utility District  
Post Office Box 494  
Mariposa, California 95338

Dear Mark:

The Mariposa County Board of Supervisors supports Mariposa Public Utility District's application for funding through the California State Proposition 84 Program administered by the Sierra Nevada Conservancy (SNC). We understand that this funding will be used to acquire land adjacent to the existing Stockton Creek reservoir for the purpose of enhancing the protection of the Stockton Creek watershed and that the project will be done in coordination with the Sierra Foothill Conservancy.

This project is consistent with the County's policies regarding watershed protection as well as the specific land use policies of the "Open Watershed Overlay." Additionally, this project will enhance watershed management strategies by fuel modification and brush disposal; removal of live oak and brush; mitigation of previous fire damage; and trail improvements to allow public access to specific areas of the watershed.

Water is one of our most essential natural resources and by better managing our watersheds we are protecting this critical resource. Thank you for the opportunity to offer the County's support in your application for Proposition 84 funding to further protect and improve the Stockton Creek watershed.

Sincerely,

  
KEVIN CANN  
Chairman

KC/mj